

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3825 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

STATE OF GUJARAT

Versus

RAMESHBHAI @ RATILAL PATEL

Appearance:

MR KT DAVE, APP, for Petitioner

MS SM AHUJA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/06/1999

ORAL JUDGEMENT

1. Heard the learned counsel for the parties and
perused the impugned order.

2. Only contention has been raised by the learned
counsel for the petitioner that the learned Sessions
Judge has no power to grant bail to the respondent for
the offences which have arisen under the Atrocities Act.

3. Though there may be some substance in this contention of the learned counsel for the petitioner but after going through the order impugned in this criminal misc. application otherwise also I find it to be a fit case where the respondent deserves to be given the bail. Learned counsel for the petitioner does not dispute that this court has jurisdiction to consider the matter for grant of bail to the accused respondent. So if we go by the substance of the matter then no interference is called for and it is settled law that the substance of the matter has to be considered and merely on technicalities which otherwise does not affect the merits of the matter, no interference has to be made by the Court.

4. In the result, this criminal misc. application is dismissed. Rule discharged. However, the dismissal of this criminal misc. application may not be taken to be as if this Court is confirming the order of the learned Joint Additional Sessions Judge, Banaskantha District, Palanpur on merits that is to say that the Sessions Court has jurisdiction to enlarge the accused under the offence of Atrocities Act on bail.

zgs/-